

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ANTHONY G. HERBERT,

Plaintiff,

V.

KING COUNTY, et al.,

Defendants.

Case No. C16-380 RSL-BAT

**ORDER RE-NOTING
DEFENDANTS' MOTION FOR
SUMMARY JUDGMENT AND
DENYING MOTION FOR
EXTENSION OF PRETRIAL
DEADLINES**

On February 23, 2017, defendants filed a motion for summary judgment and noted it for March 17, 2017. Dkt. 31. On March 2, 2017, defendants filed a motion to extend the noting date of their summary judgment motion because defendants had mistakenly mailed plaintiff's copy of the summary judgment to plaintiff's previous address. Dkt. 35. In the meantime, plaintiff filed a second motion seeking extension of the pretrial deadlines. Dkt. 43. The Court denied his first motion. Dkt. 23. Plaintiff states that he requires an extension because he is awaiting adjudication of a motion to compel, which he did not file until February 21, 2017. Dkt. 30. In particular, plaintiff is asking that defendants provide him with unredacted versions of previously provided policies on the use of force and restraints. *Id.*

The discovery deadline in this case ended in December 2016. Contrary to plaintiff's belief, the filing of a motion does not "toll" the deadlines and does not provide a reason to reinstate the deadline.

1 Accordingly, it is **ORDERED**:

2 1) Defendants' motion to re-note their motion for summary judgment (Dkt. 35) is
3 **GRANTED**. The Clerk is directed to **re-note** Defendants' motion for summary judgment (Dkt.
4 31) for **March 24, 2017**. Thus, plaintiff's response to the motion is due on Friday, March 17,
5 2017.

6 2) Plaintiff's motion to extend the pretrial deadlines (Dkt. 43) based on an
7 outstanding motion to compel is **DENIED**.

8 3) Plaintiff's motion to compel (Dkt. 30) will be addressed under separate Order.

9 DATED this 15th day of March, 2017.

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12 BRIAN A. TSUCHIDA
13 United States Magistrate Judge
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